

attorney to do so, provided that Board rules concerning handling of the documents are respected.

(d) The public should note that filing documents with the Board is discretionary and encumbrances exist which are not on file with the Board.

PARTS 1178–1179—[RESERVED]

PARTS 1180–1189—COMBINATIONS AND OWNERSHIP

PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACK-AGE RIGHTS, AND LEASE PROCEDURES

Subpart A—General Acquisition Procedures

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Subpart B—Transfer or Operation of Lines of Railroads in Reorganization

1180.20 Procedures.

AUTHORITY: 5 U.S.C. 553 and 559; 11 U.S.C. 1172; 49 U.S.C. 721, 10502, 11323–11325.

Subpart A—General Acquisition Procedures

SOURCE: 47 FR 9844, Mar. 8, 1982, unless otherwise noted. Redesignated at 47 FR 49592, Nov. 1, 1982.

§ 1180.0 Scope and purpose.

These regulations set out the information to be filed and the procedures to be followed in control, merger, acquisition, lease, trackage rights, and any other consolidation transaction involving more than one railroad that is initiated under 49 U.S.C. 11323. Section 1180.2 separates these transactions into four types: *Major*, *significant*, *minor*, and

exempt. The informational requirements for these types of transactions differ. Before an application is filed, the designation of type of transaction may be clarified or certain of the information required may be waived upon petition to the Board. This procedure is explained in § 1180.4. The required contents of an application are set out in §§ 1180.6 (general information supporting the transaction), 1180.7 (competitive and market information), 1180.8 (operational information) and 1180.9 (financial data). A *major* application must contain the information required in §§ 1180.6(a), 1180.6(b), 1180.7, 1180.8(a), and 1180.9. A *significant* application must contain the information required in §§ 1180.6(a), 1180.6(c), 1180.7, and 1180.8(a). A *minor* application must contain the information required in §§ 1180.6(a) and 1180.8(b). Procedures (including time limits, filing requirements, participation requirements, and other matters) are contained in § 1180.4. Index I lists all exhibits and indicates the type of application for which the exhibit is required. Index II is a table of contents of this subpart. All applicants must comply with the Board's Rules of General Applicability, 49 CFR parts 1100–1129, unless otherwise specified. These regulations may be cited as the Railroad Consolidation Procedures.

[47 FR 9844, Mar. 8, 1982. Redesignated at 47 FR 49592, Nov. 1, 1982, and amended at 58 FR 63104, Nov. 30, 1993; 62 FR 9716, Mar. 4, 1997]

§ 1180.1 General policy statement for merger or control of at least two Class I railroads.

(a) *General*. The Surface Transportation Board encourages private industry initiative that leads to the rationalization of the nation's rail facilities and reduction of its excess capacity. One means of accomplishing these ends is rail consolidation. However, the Board does not favor consolidations through the exercise of managerial and financial control if the controlling entity does not assume full responsibility for carrying out the controlled carrier's common carrier obligation to provide adequate service upon reasonable demand. Furthermore, the Board does not favor consolidations that substantially reduce the transport alternatives available to shippers unless